

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are currently pending. Claims 1, 5, 7, and 9 have been amended; and Claims 13-15 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 6 of U.S. Patent No. 6,631,247 to Motoyama et al. (hereinafter “the ‘247 patent”) in view of U.S. Patent No. 5,935,262 to Barrett et al. (hereinafter “the ‘262 patent”); Claims 1 and 3 were rejected under the judicially created doctrine of obviousness-type patenting as being unpatentable over Claim 1 of U.S. Patent No. 5,544,289 to Motoyama (hereinafter “the ‘289 patent”) in view of the ‘262 patent; Claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1, 5, and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,897,236 to Hashimoto et al. (hereinafter “the ‘236 patent”); Claims 1-3, 5-7, and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,583,615 to Hashimoto et al. (hereinafter “the ‘615 patent”); Claims 4, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘236 patent in view of U.S. Patent No. 5,901,286 to Danknick et al. (hereinafter “the ‘286 patent”); and Claims 1, 5, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘262 patent.

Amended Claim 1 is directed to a method of monitoring at least one network device communicatively coupled to a network, comprising: (1) obtaining, by a first computer over the network, device information of the at least one network device, the device information including status information obtained from sensors of the at least one network device and a

device identification; (2) storing the obtained device information; (3) processing the stored device information to generate a period usage report for the at least one network device; (4) transmitting the usage report from the first computer to a second computer; and (5) receiving the usage report by the second computer. Claim 1 has been amended to clarify that the first computer is remote from the at least one network device, that the device information includes status information and a device identification, and that the stored device information is processed to generate a period usage report. The changes to the claims are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Applicants respectfully traverse the rejection of Claim 1 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants note that Claim 1 includes the step of transmitting a usage report from a first computer to a second computer, and receiving the usage report by the second computer. Thus, Applicants respectfully submit that the steps recited by Claim 1 are not merely descriptive material or “data structures” representing descriptive materials as asserted by the Office Action.

Applicants respectfully submit that the rejection of Claim 1 under the judicially created doctrine of obviousness-type double patenting over the ‘247 and ‘262 patents is rendered moot by the present amendment to Claim 1. Neither the ‘247 or ‘262 patents disclose the step of processing stored device information to generate a period usage report for a network device, as recited in amended Claim 1.

Applicants respectfully traverse the rejection of Claims 1 and 3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in the ‘289 and ‘262 patents. Claim 1 of the ‘289 patent is directed to storing and transmitting semi-static data that includes data which may change infrequently over a life of a business office device. However, Applicants respectfully submit that the ‘289 patent does not disclose

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<sup>1</sup> See, e.g., Figures 11 and 25-28.

the step of storing status information obtained from sensors of at least one network device, and processing stored device information to generate a period usage report for the at least one network device, as recited in amended Claim 1. Moreover, the ‘262 patent fails to disclose obtaining, by a first computer remote from the network device, device information of the network device, as recited in amended Claim 1. Accordingly, no matter how the teachings of the ‘247 and ‘262 patents are combined, the combination does not teach or suggest the limitations recited in amended Claim 1.

Regarding the rejection of Claim 1 as anticipated by the ‘236 patent, the ‘236 patent is directed to a communication control device connected between an image forming apparatus and a communication line that connects the image forming apparatus to a host machine. The ‘236 patent discloses that “[t]he control device 18 is inserted in the user’s existing communication line.”<sup>2</sup> However, Applicants respectfully submit that the ‘236 patent fails to disclose obtaining, by a first computer over the network, device information of the network device, as recited in amended Claim 1. Further, Applicants respectfully submit that the ‘236 patent fails to disclose processing stored device information to generate a period usage report for the at least one network device, as recited in amended Claim 1. Rather, the ‘236 patent merely discloses that a total counter value data received from the image forming device can be stored in the communication control device and then sent to the host machine when requested or at a particular time. However, the ‘236 patent fails to disclose any processing of stored device information to generate a periodic usage report, as recited in amended Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 as anticipated by the ‘236 patent.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102 as anticipated by the ‘615 patent, Applicants note that the ‘615 patent is identical to and is the parent application of the

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<sup>2</sup> ‘236 patent, column 6, lines 7-9.

‘236 patent, which was also cited as anticipating Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1 over the ‘236 patent, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claims 2 and 3) as anticipated by the ‘615 patent.

Independent Claims 5 and 9 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 5 and 9 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejections of Claims 5 and 9 (and all similarly rejected dependent claims) as anticipated by either of the ‘236 and ‘615 patents.

Regarding the rejection of dependent Claims 4, 8, and 12 under 35 U.S.C. § 103(a), Applicants respectfully submit that the ‘286 patent fails to remedy the deficiencies of the ‘236 patent, as discussed above. Accordingly, Applicants respectfully traverse the rejection of Claims 4, 8 and 12 under 35 U.S.C. § 103.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over the ‘262 patent, the ‘262 patent is directed to a network device that interfaces between a local area network and an image forming apparatus. As shown in Figure 1, the ‘262 patent discloses a printer 102 that has a network expansion device (NED) 1001 directly attached to the printer 102. Further, the ‘262 patent discloses that the NED 1001 can transfer information about the printer status to a local area network. However, Applicants respectfully submit that the ‘262 patent fails to disclose the step of obtaining, by a first computer over the network, device information of the at least one network device, including status information obtained from sensors of the at least one network device, as recited in amended Claim 1. Moreover, the ‘262 patent fails to disclose that the NED 1001 is remote from the printer 102. Rather, the ‘262 patent discloses a system in which a network expansion device is directly connected to the network device. Further, Applicants respectfully submit that the ‘262 patent fails to disclose processing the stored device

information to generate a period usage report for the at least one network device, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. § 103(a) is rendered moot by the present amendment to Claim 1.

Claims 5 and 9 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 5 and 9 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above or the patentability of Claim 1, Applicants respectfully submit that the rejection of Claims 5 and 9 under 35 U.S.C. § 103 is rendered moot by the present amendment to Claims 5 and 9.

The present amendment also sets forth new dependent Claims 13-15 for examination on the merits. New Claim 13, which depends from Claim 1, recites that the period usage report is generated on one of a weekly and monthly basis. New Claims 13-15 are supported by the originally filed specification and do not add new matter.

Thus, it is respectfully submitted that independent Claims 1, 5, and 9 (and all associated dependent claims) patentably define over any proper combination of the ‘236, ‘247, ‘615, ‘262, ‘286, and ‘289 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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